

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19298 of 2022

Arising Out of PS. Case No.-386 Year-2020 Thana- PARBATTa District- Khagaria

1. Deepak Kumar @ Muto @ Deepak Kumar Yadav Son of Shri Bahru Yadav Resident of Village - Khiradih, P.S. - Parbatta, District - Khagaria.
2. Gulshan Kumar @ Anuj Kumar Son of Shri Mainki Yadav @ Maniklal Yadav Resident of Village - Khiradih, P.S. - Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Parbatta P.S. Case No. 386 of 2020 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 28.01.2022.

The allegation against the petitioner is to involve in the illegal business of illicit liquor, where 89.280 liters of foreign liquor was recovered from fodder house of the co-



accused.

Learned counsel appearing on behalf of the petitioner submitted that the recovery of illicit liquor is from the fodder house of one of the co-accused, namely, Kavi Kunwar and name of the petitioner surfaced on the basis of disclosure made by unknown villagers. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is from the fodder house of the co-accused.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is from the fodder house of the co-accused, as such it cannot be said from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Parbatta P.S. Case No. 386 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-



II, Khagaria/concerned Court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Nitish Kumar, who is the brother of the petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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